

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
April 9, 2013

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on April 9, 2013 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

**MOMENT OF SILENCE IN MEMORY OF RETIRED SEWER SUPERINTENDENT
EDWIN F. CONNOR WHO PASSED AWAY ON APRIL 2, 2013:**

**Moment of Silence
In Memory of Edwin F. Connor**

At this time I ask everyone to remain standing for a moment of silence in memory of retired Rumson Superintendent of the Sanitary Sewer System, Edwin F. Connor, who passed away on Tuesday, April 2, 2013.

(Moment of Silence)

Edwin F. Connor retired from the Borough in 1989 after 31 years of service. He had been hired in 1958 as the Borough Mechanic, promoted to Superintendent of Public Works in 1966 and then served as the Sanitary Sewer System Superintendent in 1972 until his retirement.

Raised in Fair Haven, he served in the U.S. Army during World War II from 1945-1947. Ed moved to Rumson in 1952 and was a life member of the Oceanic Hook & Ladder Company No. 1 and a member of the Rumson First Aid Squad from 1959-1970; he served as Captain in 1964 and 1965.

We extend our sincere condolences to the members of the Connor family.

Thank you.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Day, Hemphill, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2013 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

**LETTER FROM THE STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY
DIVISION OF TAXATION ADVISING OF THE STATE'S APPROVAL OF THE
BOROUGH CONTRACT WITH REALTY APPRAISAL COMPANY TO PERFORM THE
REVALUATION OF REAL PROPERTY IN RUMSON:**

The Municipal Clerk/Administrator advised of a letter dated March 26, 2013 from the State of New Jersey Department of the Treasury Division of Taxation advising of the State's approval of the Borough's contract with Realty Appraisal Company to perform the Revaluation of Real Property in the Borough of Rumson beginning this year.

On motion by Councilman Rubin, seconded by Councilman Day, this communication was ordered received. All in favor.

LETTER FROM THE MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION ADVISING OF THEIR AREA WIDE SPRAYING PROGRAM FOR 2013 DURING THE PERIOD FROM APRIL 15TH THROUGH NOVEMBER 30TH AND REQUESTING AUTHORIZATION FOR THE MAYOR AND MUNICIPAL CLERK TO SIGN THE ENCLOSED MEMORANDUM OF AGREEMENT:

The Municipal Clerk/Administrator advised of the annual letter dated March 26, 2013 from the Monmouth County Mosquito Extermination Commission advising of the aerial surveillance and treatment program for the area beginning on or about April 15th and continuing through November 30th and requesting the Council's approval for the memorandum of agreement to be signed by the Mayor and Municipal Clerk.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this communication was ordered received and authorization was given for the memorandum of agreement to be signed by the Mayor and Municipal Clerk. All in favor.

LETTER FROM OCEANIC FREE LIBRARY REQUESTING PERMISSION TO HANG THREE BANNERS DURING 2013: "SUPPORT THE ANNUAL APPEAL" FROM APRIL 13TH THROUGH APRIL 27TH ON THE CORNER OF THE BUILDING AT RIDGE ROAD AND AVENUE OF TWO RIVERS; "SUMMER READING CLUB" BEGINNING JUNE 24TH ON THE AVENUE OF TWO RIVERS FRONT WINDOW; AND "HOLIDAY BOUTIQUE" FROM NOVEMBER 9TH THROUGH NOVEMBER 23RD ON THE CORNER OF THE BUILDING AT RIDGE ROAD AND AVENUE OF TWO RIVERS:

The Municipal Clerk/Administrator advised of a letter dated April 1, 2013 from Nanette Reis, Director of the Oceanic Free Library, requesting permission to hang the following three banners during 2013 to advertise events:

- A "Support the Annual Appeal" banner to be hung at the corner of the building, secured at the roofline at the corner of Ridge Road and Avenue of Two Rivers for two weeks beginning Saturday, April 13th; it measures 5 feet in width and 6 feet in height.
- A Summer Reading Club banner to be hung over the front window on Avenue of Two Rivers for the duration of the program beginning Monday, June 24th; it measures approximately 50 inches in width and 24 inches in height (supplied by the Monmouth County Library).
- A Holiday Boutique banner to be hung at the corner of the building, secured at the roofline at the corner of Ridge Road and Avenue of Two Rivers for two weeks beginning November 9th; it measures approximately 30 inches in width and 36 inches in height.

Councilwoman DeVoe stated that she felt that the size of the banners for organization events should be limited to perhaps 24 inches so that we don't run into problems in the future.

The Municipal Clerk/Administrator advised that any such restrictions for banner sizes would have to be regulated by Borough ordinance.

Councilwoman DeVoe stated that regulating the banner size by ordinance would make the Council's job easier for such future requests.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, this communication was ordered received and permission for the three banners to be hung on the Oceanic Free Library was granted. All in favor.

The members of the Council agreed that Councilwoman DeVoe's suggestion should be considered when the Council reviews the Borough's General Ordinances this year.

LETTER FROM THE RUMSON-FAIR HAVEN POP WARNER CHEER COMMISSIONER REQUESTING PERMISSION TO USE BINGHAM HALL ON TUESDAY, MAY 7, 2013 FROM 7:00 P.M. UNTIL 10:00 P.M. FOR THE NEW JERSEY SHORE POP WARNER

CONFERENCE MONTHLY MEETING WITH APPROXIMATELY 25 ADULTS IN ATTENDANCE:

The Municipal Clerk/Administrator advised of a letter dated April 4, 2013 from Amy Clark, Rumson-Fair Haven Pop Warner Cheer Commissioner, requesting permission to use Bingham Hall from 7:00 p.m. until 10:00 p.m. on Tuesday, May 7th for the monthly meeting of the New Jersey Shore Pop Warner Conference—the meeting locations rotate through the member towns and it is Rumson's turn to host it. Ms. Clark, who lives in Rumson, advised that there would be approximately 25 adults in attendance and that they would require tables and chairs to be set up for their meeting.

On motion by Councilman Hemphill, seconded by Councilman Shanley, this communication was ordered received and permission for Pop Warner to use Bingham Hall on May 7th for their meeting was granted. All in favor.

LETTER FROM TAMMY L. BULLIVANT, ON BEHALF OF THE JERSEY SHORE CHAPTER OF THE AMERICAN CANCER SOCIETY, REQUESTING PERMISSION TO HOLD THE 5K/FAMILY FUN RUN IN MEMORY OF MATTHEW PITERA ON SUNDAY, JUNE 2, 2013 WITH THE SAME ROUTE USED BY THE RUMSON-FAIR HAVEN RUN BEGINNING AT RFH REGIONAL HIGH SCHOOL AND ENDING ON THE HIGH SCHOOL'S FOOTBALL FIELD—HELD OVER FROM A PRIOR MEETING AWAITING RECOMMENDATION FROM THE POLICE DEPARTMENT:

The Municipal Clerk/Administrator advised of a letter to the Council dated March 5, 2013 from Tammy L. Bullivant of 31 Shrewsbury Drive requesting permission to hold a 5K/Family Fun Run to benefit the NJ Chapter of the American Cancer Society in Rumson on Sunday, June 2, 2013 using the same route used by the Rumson-Fair Haven Run each year.

The Municipal Clerk/Administrator advised that the decision on this request had been held over at the March 12, 2013 Borough Council meeting in order for the Police Department to review the request and make their recommendation. He reported that, as it turns out, this happens to be the same day that the Kelleher Run has been scheduled, so this date is not available for the American Cancer Society Run. The Municipal Clerk/Administrator advised that they have submitted some other dates, one at the end of June and two in July. He advised that in a discussion of this matter with Police Chief Scott Paterson, several issues were brought up: 1. the dates in July didn't make a lot of sense, given the summer beach traffic in town and closing the roads would be an issue; and 2. we are working with the Rumson-Fair Haven Run representatives to alter their race route to avoid the business district entirely because last year it had been closed off completely to traffic, which was problematic for the businesses, restaurants and shops on the Friday evening before Mother's Day. The following would need to happen: alternate dates would have to be cleared with the Police Chief, the Council would have to decide if the town wanted to have yet another run and, if it is decided that we wish to have the event, should it be in July or should it be a date in June or perhaps in the fall.

Councilman Broderick suggested that this request be denied at this time and, after other dates are submitted for approval, the Police Chief should make his recommendations before coming to the Council again for approval.

On motion by Councilman Broderick, seconded by Councilman Hemphill, this communication was ordered received and permission for the American Cancer Society Run on June 2nd was denied and the request would come before the Council at a future meeting when a new date has been decided. All in favor.

LETTER FROM THE PAINT THE TOWN PINK COMMUNITY CHAIRPERSON REQUESTING PERMISSION TO HANG PINK LIGHTS ON THE EVERGREEN TREE IN VICTORY PARK AND HAVE THEM LIT FOR THE MONTH OF MAY TO PROMOTE THEIR CAMPAIGN FOR BREAST CANCER AWARENESS:

The Municipal Clerk/Administrator advised of a letter dated April 1, 2013 from Ellen Miles, Paint the Town Pink Community Chairperson, requesting permission to again hang pink lights on the evergreen tree in Victory Park and have them lit for the month of May. She advised in her letter that the lights had a great visual effect for their campaign last year to raise awareness for the need for early breast cancer detection by screening using mammography and to fund mammograms for women who otherwise would not receive the testing. Ms. Miles advised that, as done for the 2012

campaign, Diane Turton Realtors has offered to sponsor the tree lighting and to provide the stringing and removal of the lights, which would be done by Powerhouse Signworks.

Councilwoman DeVoe stated that she thought that a whole month was too long for the lights to be in place and motioned that the council approve the request for just two weeks.

Other Council members stated that, since the pink line would not be painted down River Road this year, the lights should be allowed for the whole month of May.

No one seconded Councilwoman DeVoe's motion and Mayor Ekdahl asked if she wished to withdraw her motion, and she withdrew the motion.

After a brief discussion, it was agreed that the lights should be taken down the week prior to the Borough's Memorial Day Parade on May 27th.

On motion by Councilman Rubin, seconded by Councilman Broderick, this communication was ordered received and permission for the Paint the Town Pink Committee to hang lights on the Victory Park evergreen tree was granted and that they be lit beginning May 1st until the week prior to the May 27th Parade and removed from the tree in a timely fashion. All in favor

LETTER FROM SPLIT SECOND RACING REQUESTING PERMISSION TO HOLD THE RUMSON-FAIR HAVEN RUN THAT PROVIDES SCHOLARSHIPS TO RUMSON-FAIR HAVEN REGIONAL HIGH SCHOOL SENIORS ON THE EVENING OF FRIDAY, JUNE 7, 2013; THEY WILL BE USING THE SAME ROUTE AS IN PREVIOUS YEARS:

The Municipal Clerk/Administrator advised that we finally received a letter dated April 9, 2013 from Douglas Rice of Split Second Racing requesting permission to hold the Rumson-Fair Haven Run, not on Mother's Day weekend, as it was last year, but on the evening of Friday, June 7th. The Municipal Clerk/Administrator advised that they had planned to use the same route that was used in past years, but Police Chief Scott Paterson and he had spoken with Mr. Rice today to discuss changing the route to avoid the business district. He suggested that the Council approve the request to hold the run on the evening of Friday, June 7th, subject to the Chief Paterson's final approval of the revised route.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, this communication was ordered received and permission for the Rumson-Fair Haven Run to be held on June 7, 2013 was granted, subject to the revised route being approved by the Police Chief. All in favor.

LETTER FROM TWO RIVER PICTURES OF SHREWSBURY REQUESTING PERMISSION TO FILM A COOKING PROGRAM/TELEVISION PILOT FOR A MAJOR CABLE NETWORK AT MOLLY MAGUIRE'S BLACK POINT INN ON WEDNESDAY, THURSDAY AND FRIDAY, APRIL 17TH, 18TH AND 19TH WITH A CREW AND TALENT/HOST OF APPROXIMATELY 20 PEOPLE; THE MAJORITY OF FILMING IS TO BE INSIDE THE ESTABLISHMENT WITH ABOUT AN HOUR'S WORTH OF FILMING OF THE SURROUNDING AREA SHOT BY A SINGLE CAMERAMAN:

The Municipal Clerk/Administrator advised of a letter dated April 2, 2013 from Allison Connor, Production Manager at Two River Pictures in Shrewsbury, requesting permission to film a major cable network program/television original cooking pilot at Molly McGuire's Black Point Inn. She stated in her letter that the 20-person crew would be filming mostly inside the establishment from Wednesday, April 17th through Friday, April 19th for approximately 16 hours per day, but they would also like to have one cameraman film the surrounding area for about one hour, probably on Wednesday, April 18th. They also requested to have the use of the Borough parking lot behind the Rumson Firehouse on East River Road to park the production vehicles for the three days.

The Municipal Clerk/Administrator reported that they have provided him with the proper insurance certificate. He added that we have approved such filming requests in the past.

On motion by Councilman Rubin, seconded by Councilman Day, this communication was ordered received and permission for the television program filming at Molly McGuire's Black Point Inn scheduled for April 17th-19th was granted, along with the use of the Borough parking lot. All in favor.

LETTER FROM ROCK SHRIMP PRODUCTIONS OF NEW YORK CITY REQUESTING PERMISSION TO FILM THE COOKING CHANNEL SHOW KELSEY’S ESSENTIALS AT DAVID BURKE’S FROMAGERIE ON FRIDAY, APRIL 19, 2013 FROM 1:00 P.M. UNTIL 6:00 P.M. THAT WOULD TAKE PLACE MOSTLY IN THE ESTABLISHMENT WITH SOME FILMING BY A SINGLE CAMERAMAN OF THE AREA TO SHOW THE LOCALE AND PROXIMITY TO THE BEACH AREAS:

The Municipal Clerk/Administrator advised of a letter dated April 2, 2013 from Rock Shrimp Productions of New York City requesting permission to film an episode of the Cooking Channel’s Kelsey’s Essentials at David Burke’s Fromagerie on Friday, April 19th from approximately 1:00 p.m. until 6:00 p.m. The letter stated that the majority of the filming would be shot in the restaurant’s kitchen, but they would also like to have one cameraman film areas of the town and street signage and show its close proximity to the beach.

On motion by Councilman Rubin, seconded by Councilman Hemphill, this communication was ordered received and permission for the television program filming at David Burke’ Fromagerie scheduled for April 19th was granted. All in favor.

CONSENT AGENDA:

LETTER FROM THE STATE OF NEW JERSEY D.E.P. ADVISING OF THE APPROVAL OF THE FLOOD HAZARD AREA VERIFICATION AND FLOOD HAZARD AREA INDIVIDUAL PERMIT OF ARTHUR PARENT FOR THE CONSTRUCTION OF A SINGLE-FAMILY DWELLING AND AMENITIES ON PROPERTY LOCATED AT 14 RIDGE ROAD:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Land Use Regulations approving the Flood Hazard Area Verification and Flood Hazard Area Individual Permit for Arthur Parent for the construction of a single-family dwelling and amenities, including a driveway and bridge crossing, as well as utility crossings, for property located at 14 Ridge Road.

LETTER FROM THE STATE OF NEW JERSEY D.E.P. ADVISING OF THE APPROVAL OF THE MODIFICATION TO THE CAFRA INDIVIDUAL PERMIT CHANGING FROM THE CONSTRUCTION OF TWO SINGLE-FAMILY DWELLINGS TO THE CONSTRUCTION OF ONE SINGLE-FAMILY DWELLING WITH A SMALLER FOOTPRINT ON PROPERTY LOCATED AT 23 WARDELL AVENUE:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection Division of Land Use Regulation approving the Modification to the CAFRA Individual Permit to change the request from the construction of two single-family dwellings to the construction of one single-family dwelling with a smaller footprint but still with a garage, driveway, pool and associated improvements.

On motion by Councilman Day, seconded by Councilman Rubin, the two (2) items on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

INTRODUCTION OF ORDINANCE 13-006 TO AUTHORIZE THE BOROUGH TO VACATE THE RIGHT-OF-WAY ON RIVER PLACE OFF OF GRANT AVENUE IN FIRST READING. PUBLIC HEARING SCHEDULED FOR TUESDAY, MAY 14, 2013 AT 7:30 P.M.:

The Municipal Clerk/Administrator advised that this ordinance proposed to vacate the small street known as River Place that separates the Borough’s Grant Avenue pumping station and the

residential area. He added that, because of a subdivision, the property that served as a right-of-way was no longer necessary.

The Municipal Clerk/Administrator read the following ordinance by title only in first reading:

13-006

AN ORDINANCE TO RELEASE, VACATE, AND EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN AND TO PORTIONS OF RIVER PLACE

WHEREAS, the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey is of the opinion that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which said Borough may have in and to the following described portions of River Place;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, County of Monmouth, State of New Jersey, as follows:

SECTION 1. The public rights and interest of River Place, particularly described as follows are hereby vacated, abandoned and released:

PARCEL "A"

BEGINNING at a point, said point being the intersection of the title centerline of River Place (30 feet wide R.O.W.) with the existing southwesterly right-of-way (R.O.W.) line of Grant Avenue (50 feet wide R.O.W.), and running thence:

1. South 42 degrees 00 minutes 00 seconds West, along the title centerline of River Place, a distance of 120.00 feet, to a point where said title centerline intersects the southwesterly R.O.W. line and terminus of River Place; thence
2. North 48 degrees 00 minutes 00 seconds West, along the southwesterly R.O.W. line and terminus of River Place, a distance of 15.00 feet, to a point where said line intersects the existing southerly property corner of Lot 29 in Block 144; thence
3. North 42 degrees 00 minutes 00 seconds East, along the existing northwesterly R.O.W. line of River Place, a distance of 120.00 feet, to a point where said line intersects the existing southwesterly R.O.W. line of Grant Avenue; thence
4. South 48 degrees 00 minutes 00 seconds East, along the existing southwesterly R.O.W. line of Grant Avenue a distance of 15.00 feet, to the point or place of BEGINNING.

Containing an area of 1,800 square feet (0.0413 acre).

The above description is and is intended to be Parcel "A", being all that northwesterly portion of River Place right-of-way to be vacated as described above. It is further intended that all rights of the public which may exist are to be vacated within the right-of-way described, reserving thereout and therefrom all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over or under the roadway being vacated including but not limited

to gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto.

The above description has been prepared in accordance with a map entitled “MAP SHOWING RIVER PLACE R.O.W. TO BE VACATED, BOROUGH OF RUMSON, MONMOUTH COUNTY, NEW JERSEY” prepared by T&M Associates, Michael S. Finnegan, P.L.S., dated March 18, 2013, sheet 1 of 1, which is attached hereto and made part of this description as Schedule “B”.

PARCEL “B”

BEGINNING at a point, said point being the intersection of the title centerline of River Place (30 feet wide R.O.W.) with the existing southwesterly right-of-way (R.O.W.) line of Grant Avenue (50 feet wide R.O.W.), and running thence:

1. South 48 degrees 00 minutes 00 seconds East, along the existing southwesterly R.O.W. line of Grant Avenue, a distance of 15.00 feet, to a point; thence
2. South 42 degrees 00 minutes 00 seconds West, along the existing southeasterly R.O.W. line of River Place, a distance of 120.00 feet, to a point where said line intersects the existing southwesterly R.O.W. line and terminus of Grant Avenue; thence
3. North 48 degrees 00 minutes 00 seconds West, along the southwesterly R.O.W. line and terminus of River Place, a distance of 15.00 feet, to a point where said line intersects the title centerline of River Place; thence
4. North 42 degrees 00 minutes 00 seconds East, along the title centerline of River Place, a distance of 120.00 feet, to the point or place of BEGINNING.

Containing an area of 1,800 square feet (0.0413 acre).

The above description is and is intended to be Parcel “B”, being all that southeasterly portion of River Place right-of-way to be vacated as described above. It is further intended that all rights of the public which may exist area to be vacated within the right-of-way described, reserving thereout and therefrom all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over or under the roadway being vacated including but not limited to, gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto.

The above description has been prepared in accordance with a map entitled “MAP SHOWING RIVER PLACE R.O.W. TO BE VACATED, BOROUGH OF RUMSON, MONMOUTH COUNTY, NEW JERSEY” prepared by T&M Associates, Michael S. Finnegan, P.L.S., dated March 18, 2013, sheet 1 of 1, which is attached hereto and made part of this description as Schedule “B”.

SECTION 2. This ordinance shall take effect upon the passage and publication according to law.

Councilman Broderick moved the adoption of this ordinance in first reading. Motion seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

Mayor Ekdahl stated that this ordinance would be published and posted and come up for final consideration and public hearing at the Tuesday, May 14, 2013 meeting of the Borough Council at 7:30 p.m.

RESOLUTION 2013-0409-64 AUTHORIZING THE RE-APPOINTMENT OF JANE F. HARTMAN AS LOCAL REGISTRAR OF VITAL STATISTICS FOR A THREE-YEAR TERM EFFECTIVE APRIL 20, 2013:

2013-0409-64

Councilwoman DeVoe offered the following resolution and moved its adoption:

BOROUGH OF RUMSON
RESOLUTION TO APPROVE THE APPOINTMENT OF
LOCAL REGISTRAR OF VITAL STATISTICS

WHEREAS, the Borough of Rumson is required by the State of New Jersey to appoint a Local Registrar of Vital Statistics; and

WHEREAS, the Board of Health has approved the appointment of Jane F. Hartman as Local Registrar of Vital Statistics for a three-year term effective April 20, 2013 through April 19, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Rumson, County of Monmouth hereby approves the appointment of Jane F. Hartman as Local Registrar of Vital Statistics in accordance with the State Registrar, Bureau of Vital Statistics.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2013-0409-65 AUTHORIZING THE APPOINTMENT OF BRUCE A. MACDONALD AS A DPW SEASONAL LABORER EFFECTIVE APRIL 8, 2013:

The Municipal Clerk/Administrator advised that the new Department of Public Works Seasonal Laborer was required for the Shared Service Agreement with Fair Haven for Rumson's DPW to handle the maintenance of the Fair Haven parks.

2013-0409-65

Councilman Shanley offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson through its Department of Public Works has the need for a Seasonal Laborer; and

WHEREAS, it is believed to be in the best interest of the Borough to employ said Seasonal Laborer for the Department of Public Works on an hourly basis; and

WHEREAS, Bruce A. MacDonald has been interviewed and agreed to fill the position of Department of Public Works Seasonal Laborer;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that Mr. MacDonald be hired as a Department of Public Works Seasonal Laborer effective April 9, 2013; and

BE IT FURTHER RESOLVED that Mr. MacDonald be paid at an hourly rate of \$12.50, with no benefits; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Chief Financial Officer and Payroll Clerk.

Resolution seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2013-0409-66 AUTHORIZING THE SUBMISSION OF THE 2012 TAX REIMBURSEMENT CERTIFICATION OF THE SOLID WASTE RECYCLING TAX:

2013-0409-66

Councilman Shanley offered the following resolution and moved its adoption:

TAX REIMBURSEMENT CERTIFICATION RESOLUTION

WHEREAS, the Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law," the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, Chapter 311, in 2012 in the amount of \$12,418.55. Documentation supporting this submission is available at 80 East River Road, Rumson, NJ 07760 and shall be maintained for no less than five (5) years from this date.

Resolution seconded by Councilman Day and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION 2013-0409-67 AUTHORIZING THE EXECUTION OF THE RENEWAL OF OUR COMMODITY RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH FOR THE PERIOD OF SEPTEMBER 30, 2013 THROUGH SEPTEMBER 30, 2018:

The Municipal Clerk/Administrator advised that this is a program that allows the Borough of Rumson to purchase gasoline, diesel fuel (if we get in a bind) and other commodities through the County of Monmouth's purchasing program at a reduced cost to the Borough.

2013-0409-67

BOROUGH OF RUMSON

**RESOLUTION AUTHORIZING THE EXECUTION
OF A COMMODITY RESALE AGREEMENT
WITH THE COUNTY OF MONMOUTH**

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174-MCCRS), for the period of September 30, 2013 through September 30, 2018; and

WHEREAS, it would be in the best interest of this Municipality to become or remain a member of the Monmouth County commodity Resale System for that period;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth; and

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Stephen G. Callas, Director, Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, NJ 07728.

The above Resolution was moved for adoption by Councilman Hemphill. Motion seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

TEMPORARY EMERGENCY APPROPRIATIONS RESOLUTION 2013-0409-68:

2013-0409-68

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2013 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2013 Budget when adopted; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Administrative and Executive	
– Salaries and Wages	\$ 3,000.00
Mayor and Council Newsletter	
– Salaries and Wages	\$ 176.00
Municipal Clerk – Salaries and Wages	\$ 12,000.00
Finance – Salaries and Wages	\$ 8,700.00
Audit Services – Other Expenses	\$ 15,000.00
Tax Collection – Salaries and Wages	\$ 5,102.00
Tax Assessment – Salaries and Wages	\$ 3,601.00
Legal – Other Expenses	\$ 10,000.00
Planning Board	
– Salaries and Wages	\$ 900.00
– Other Expenses	\$ 500.00
Zoning Board – Salaries and Wages	\$ 900.00
Zoning Officer – Salaries and Wages	\$ 3,500.00
Code Enforcement – Salaries and Wages	\$ 1,000.00
Plumbing Inspector – Salaries and Wages	\$ 1,550.00
Electrical Inspection – Salaries and Wages	\$ 2,750.00
Fire Protection Official	
– Salaries and Wages	\$ 820.00
Fire Sub-Code Official	
– Salaries and Wages	\$ 430.00
Construction Code Official	
– Salaries and Wages	\$ 10,000.00
Police Department	
– Salaries and Wages	\$150,000.00
– Other Expenses	\$ 10,000.00
Police Dispatch/911	
– Salaries and Wages	\$ 10,000.00
Aid to First Aid Organization	
– Salaries and Wages	\$ 425.00
Fire Department	
– Salaries and Wages	\$ 845.00
– Other Expenses	\$ 3,000.00
Municipal Prosecutor	
– Salaries and Wages	\$ 1,350.00
Streets and Roads	
– Salaries and Wages	\$ 60,000.00
– Other Expenses	\$ 2,000.00
Sewer System	
– Salaries and Wages	\$ 11,500.00
– Other Expenses	\$ 3,000.00
Solid Waste Collection	
– Salaries and Wages	\$ 31,000.00
Recycling	
– Salaries and Wages	\$ 6,200.00
Buildings and Grounds	
– Salaries and Wages	\$ 4,000.00
Board of Health – Salaries and Wages	\$ 555.00
Animal Control Services	
– Salaries and Wages	\$ 362.50
Municipal Court	
– Salaries and Wages	\$ 4,500.00
– Other Expenses	\$ 500.00
Public Defender – Salaries and Wages	\$ 211.00
Utility and Bulk Purchases	
– Gasoline	\$ 10,000.00
Statutory Expenditures	
– Social Security	\$ 10,000.00
Shared Service Agreement	
– Fair Haven Construction	
Salary and Wages	\$ 1,700.00
Total	\$401,077.50

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

CONSENT AGENDA:

RESOLUTION 2013-0409-69 AUTHORIZING THE REFUND OF THE PREPAYMENT OF OFF-DUTY POLICE TRAFFIC CONTROL TO COMMUNICATIONS CONSTRUCTION GROUP, LLC:

2013-0409-69

RESOLUTION TO AUTHORIZE REFUND TO
COMMUNICATIONS CONSTRUCTION GROUP, LLC

WHEREAS, Communications Construction Group, LLC, 1060 Andrew Dr., Suite 130, West Chester, PA 19380 posted \$424.00 for Police Traffic Control Services; and

WHEREAS, no Rumson Police Officers provided the Traffic Control Services; and

WHEREAS, Jo Velicky, on behalf of Communications Construction Group, LLC, has requested a refund of the \$424.00 paid for Security Services; and

WHEREAS, Police Sergeant Damian Brennan has confirmed that the Services were not provided by a Rumson Officer; and

WHEREAS, Helen L. Graves, Chief Financial Officer, has confirmed receipt of \$424.00 from Communications Construction Group, LLC, and recommends a refund be made to Communications Construction Group, LLC in the amount of \$424.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Communications Construction Group, LLC, Attn: Patti Treason, 1060 Andrew Dr., Suite 130, West Chester, PA 19380 be refunded \$424.00; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

RESOLUTION 2013-0409-70 AUTHORIZING THE REFUND OF A PROPERTY TAX OVERPAYMENT ON BLOCK 11, LOT 20, 3 ALYCE LANE DUE TO A NEW JERSEY TAX COURT JUDGMENT:

2013-0409-70

RESOLUTION TO AUTHORIZE THE REFUND OF A PROPERTY TAX
OVERPAYMENT DUE TO A 2012 TAX COURT OF NEW JERSEY
CIVIL ACTION JUDGMENT
FOR BLOCK 11, LOT 20

WHEREAS, State Tax Court Judgment, dated January 31, 2013, has been favorably awarded to Stephen S. and Lisa A. Atallah, Block 11, Lot 20, for fiscal year 2012; and,

WHEREAS, such judgment has resulted in an overpayment of 2012 property taxes in the amount of \$4,843.62; and

WHEREAS, such judgment has resulted in an overpayment of 2013 property taxes in the amount of \$1,210.91; and

WHEREAS, the stipulation of settlement waives statutory interest; and

WHEREAS, in accordance with a resolution adopted on January 1, 2013, Helen L. Graves, Chief Financial Officer/Tax Collector, has refunded \$6,054.53 to Stephan S. and Lisa A. Atallah, 3 Alyce Lane, Rumson NJ 07760;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that the refunded amount of \$6,054.53 is hereby approved; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

RESOLUTION 2013-0409-71 AUTHORIZING THE REFUND OF A PROPERTY TAX OVERPAYMENT ON BLOCK 27, LOT 1, 45 WEST RIVER ROAD DUE TO A NEW JERSEY TAX COURT JUDGMENT:

2013-0409-71

RESOLUTION TO AUTHORIZE THE REFUND OF A PROPERTY TAX
OVERPAYMENT DUE TO A 2012 TAX COURT OF NEW JERSEY
CIVIL ACTION JUDGMENT
FOR BLOCK 27, LOT 1

WHEREAS, State Tax Court Judgment, dated January 31, 2013, has been favorably awarded to 45 West River Road, LLC, Block 27, Lot 1, for fiscal year 2012; and,

WHEREAS, such judgment has resulted in an overpayment of 2012 property taxes in the amount of \$7,260.02; and

WHEREAS, such judgment has resulted in an overpayment of 2013 property taxes in the amount of \$1,815.01; and

WHEREAS, the stipulation of settlement waives statutory interest; and

WHEREAS, in accordance with a resolution adopted on January 1, 2013, Helen L. Graves, Chief Financial Officer/Tax Collector has refunded \$9,075.03 to Jeff J. Horn, Esq. & 45 West River Road, LLC, 229 Washington Street, Toms River, NJ 08753;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that the refunded amount of \$9,075.03 is hereby approved; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer/Tax Collector.

RESOLUTION 2013-0409-72 AUTHORIZING THE REFUND OF A PROPERTY TAX OVERPAYMENT ON BLOCK 49, LOT 15, 7 MEADOWBROOK AVENUE DUE TO THE DEPARTMENT OF VETERANS AFFAIRS RECLASSIFICATION AS 15F, WHICH IS EXEMPT FROM PROPERTY TAXES EFFECTIVE WITH TAX YEAR 2013:

2013-0409-72

RESOLUTION AUTHORIZING TAX OVERPAYMENT REFUND
FOR BLOCK 49, LOT 15

WHEREAS, the Department of Veterans Affairs has verified that Gene O. Carpenter is rated 100% for a service-connected disability; and

WHEREAS, due to this rating the Property owned by Mr. Carpenter at 7 Meadowbrook Avenue, known as Block 49, Lot 15, has been classified 15F, which is exempt from property taxes effective with Tax Year 2013; and

WHEREAS, the previously billed, 1st quarter 2013 preliminary property taxes were paid via Direct Withdrawal on February 5, 2013; and

WHEREAS, this payment has created an overpayment on this property in the amount of \$1,105.12; and

WHEREAS, the Borough Tax Collector, Helen L. Graves, has confirmed this overpayment and recommends a refund;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the tax overpayment, in the amount of \$1,105.12, for Block 49 Lot 15 be refunded to Gene O. Carpenter; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Councilman Rubin moved the adoption of the above four (4) Resolutions on the Consent Agent. Motion seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Hemphill offered the following resolution and moved its adoption:

\$	48.60	NJ Dept Health/Sr Services
\$	48.60	Animal Control Account
\$	691.00	Acme Locksmith Service
\$	3,264.30	Thomas G Conley
\$	3,955.30	Capital Account
\$	63.10	NJ Natural Gas Co
\$	63.10	COAH Trust Fund
\$	6,054.53	Steven & Lisa Atallah
\$	9,075.03	Jeff J Horn Esq &
\$	179.05	Acme Locksmith Service
\$	5,607.65	Allied Oil LLC
\$	5,596.00	AC Schultes Inc
\$	360.00	Atlantic Bagel Co
\$	1,585.00	Aurora Environmental Inc
\$	181.50	Bob's Uniform Shop
\$	12,450.00	Borough of Fair Haven
\$	3,027.71	James D Boyce Associates
\$	48.00	Butch's Auto Car Wash Inc
\$	1,105.12	Gene O Carpenter
\$	531.25	Chemung Supply Corp
\$	424.00	Communications Const Group LLC
\$	783.00	Cooper Power Systems
\$	1,558.00	Cross Over Networks
\$	26.50	Custom Tire Associates
\$	145.00	Deptcor
\$	155.00	Draeger Safety Diagnostics Inc
\$	482.76	ENM Company
\$	319.00	EM Grant
\$	48.00	Garden State Highway Products
\$	1,928.22	WW Grainger Inc
\$	497.54	Henderson Products Inc
\$	1,153.38	Hess Corporation
\$	6,005.00	Holman Frenia Allison PC
\$	5,147.50	Hutchins Farrell Meyer &
\$	4,061.49	JCP&L
\$	282.50	Kencor Inc

\$	35.65	Locals
\$	200.00	Lorco Petroleum Services
\$	443.36	Marlboro Industries Inc
\$	276.93	Mid-Atlantic Truck Centre Inc
\$	15,889.25	Treasurer County of Monmouth
\$	115.16	Naylor's Auto Parts
\$	201.71	New Pig Corporation
\$	40.00	NJ State Forest Service
\$	1,353.95	NJ Natural Gas Co
\$	80,535.26	State of NJ Pensions/Active
\$	43,219.95	State of NJ Pensions/Retiree
\$	143.00	NJ Water Environment Assoc
\$	90.00	Professional Gov't Educators
\$	40,650.00	Pumping Services Inc
\$	450.00	Realty Appraisal Company
\$	4,266.00	Reliable Wood Products LLC
\$	1,845.41	Reussille Law Firm LLC
\$	636.07	R & R Radar Inc
\$	180.00	Robert Savoth
\$	2,846.25	Speitel & Speitel Inc
\$	40,100.80	SS Marine
\$	250.00	State Shorthand Reporting Serv
\$	204.40	Stavola Asphalt Co Inc
\$	78.00	Michael B Steib PA
\$	663.45	Storr Tractor Co
\$	2,120.00	Targeted Technologies LLC
\$	226.50	T & M Associates
\$	837.50	Traffic Safety Services
\$	7,095.03	Treasurer State of NJ
\$	532.00	Treasurer State of NJ DCA
\$	125.00	Treasurer State of NJ
\$	25,502.76	Treasurer State of NJ/727 GSPT
\$	433.97	Trico Equipment Services LLC
\$	7.75	The Two River Times
\$	1,000.00	United States Postage Service
\$	91.78	Verizon
\$	885.00	Warshauer Electric Supply
\$	21,578.90	Woodward Construction Co
\$	1,206.00	Xylem Dewatering Solutions Inc
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\$	365,174.52	Current Fund
\$	391.96	Guaranteed Plants & Florist
\$	400.00	Siciliano Landscape Co LLC
\$	120.00	Tri City News
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\$	911.96	Endowment Inc Account
\$	2,535.00	Athlete's Alley
\$	4,201.12	Daniel J Edwards
\$	23.98	FedEx Techconnect Revenue Serv
\$	220.00	Lolo Yoga LLC
\$	1,216.43	Allison Beatty O'Rourke
\$	1,490.00	Sarah Orsay
\$	448.60	SS Marine
\$	650.00	T3 Lacrosse LLC
\$	80.00	Christen Volk
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\$	10,865.13	Recreation Account
\$	949.00	Michael B Steib PA
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\$	949.00	Trust Account
\$	119,492.45	Current Fund Appropriations
\$	245,682.07	Current Fund Appropriations
\$	48.60	Animal Control Fund Expenses

\$	3,955.30	Capital Fund Disbursements
\$	911.96	Endowment Disbursements
\$	10,865.13	Recreation Disbursements
\$	1,012.10	Trust Fund – Other Expenses
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\$	381,967.61	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, Day, DeVoe, Hemphill, Rubin and Shanley.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 7:53 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator